

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTHERN STATES POWER COMPANY,

Plaintiff,

v.

THE CITY OF ASHLAND, WISCONSIN,
and ASHLAND COUNTY, WISCONSIN,

Defendant.

ORDER

12-cv-602-bbc

Presently before the court are three motions relating to the trial exhibits in this case: (1) plaintiff Northern States Power's motion to admit certain trial exhibits, dkt. #520; (2) defendant City of Ashland's corrected motion to admit certain trial exhibits, dkt. #531; and (3) defendant City's motion to admit certain trial exhibits, dkt. #552. Also before the court are various letters from the parties containing objections to various documents: (1) defendant City's objections to plaintiff's exhibits, dkt. #576; (2) defendant County's objections to plaintiff's exhibits, dkt. #577; (3) plaintiff's objections to defendant County's exhibits, dkt. #578; (4) plaintiff's objections to defendant City's exhibits, dkt. #579; (5) defendant City's objections to plaintiff's exhibits, dkt. #580); and (6) plaintiff's objections to trial exhibits, dkt. #581. The parties have moved into evidence the trial exhibits they have set out in dkt. #574 (plaintiff); dkt. #559 (City of Ashland); and dkt. #575 (Ashland County). Finally, defendant Ashland County filed a motion to strike plaintiff's proposed finding of fact no.

266, dkt. #570.

After reviewing the various motions and the responses, I am admitting all exhibits proposed by any party to which the opposing party or parties have not objected. I am granting defendant County's motion to strike, which is unopposed by plaintiff, dkt. #572, and I am admitting certain exhibits and rejecting others, as set out below.

RULINGS ON EXHIBITS OFFERED BY ASHLAND COUNTY, DKT. #578	
CI-5015 (Dep. Exh. 17)	Not received - Foundation
CI-5020 (Dep. Exh. 187)	Not received - Hearsay
CI-5033 (Dep. Exh. 218)	Not received - Hearsay
CI-5071	Received
CI-5082	Received
CI-5257 (STIP. 1368)	Not received - Relevance
CI-5259	Received
CI-5284 (Dep. Exh. 314)	Received
CI-5332	Received
CI-5347	Received
CI-5348	Received
CI-5389	Received (except as to Exh. O)
RULINGS ON EXHIBITS OFFERED BY CITY OF ASHLAND, DKT. #559	
CI-5246	Not received - Hearsay
CI-5251	Received
CI-5279	Not received - Hearsay
CI-5332	Received

CI-5347	Received
CI-5348	Received
CI-5022 (STIP 1283)	Received
STIP-1364	Received
STIP-1368 (CI-5257)	Not received - Hearsay; Relevance
DEP. EX. 23	Received
DEP. EX. 157 (CI-5015)	Not received - Foundation
DEP. EX. 171 (CI-5018)	Not received - Foundation
DEP. EX. 187 (CI-5020)	Not received - Relevance
DEP. EX. 191 (STIP 1393)	Not received - Not shown to witness at trial
DEP. EX. 218 (CI-5033)	Not received - Hearsay
DEP. EX. 226 (CI-5037)	Not received - Hearsay
DEP. EX. 228 (CI-5038)	Received
DEP. EX. 23 (CI-5146)	Received
DEP. EX. 231 (CI-5040)	Not received - Relevance
DEP. EX. 239 (CI-5045)	Not received - Relevance
DEP. EX. 265 (CI-5058)	Not received - Relevance
DEP. EX. 268 (CI-5059)	Not received - Relevance
DEP. EX. 27 (CI-5148)	Not received - Not shown to witness at trial
DEP. EX. 270 (CI-5060)	Not received - Not shown to witness at trial
DEP. EX. 271 (CI-5061)	Not received - Not shown to witness at trial

DEP. EX. 273 (CI-5063)	Not received - Not shown to witness at trial
DEP. EX. 274 (CI-5064)	Not received - Not shown to witness at trial
DEP. EX. 287 (CI-5069)	Received
DEP. EX. 288 (STIP-1366)	Received
DEP. EX. 289 (CI-5070)	Received
DEP. EX. 293 (STIP-1367)	Received
DEP. EX. 294 (CI-5073)	Not received - Hearsay
DEP. EX. 295 (CI-5074)	Not received - Hearsay
DEP. EX. 314 (CI-5284)	Received
DEP. EX. 331 (CI-5081)	Not received - Hearsay
DEP. EX. 336 (STIP-1368)	Not received - Relevance
DEP. EX. 620	Received - Relevance
RULINGS ON EXHIBITS OFFERED BY NORTHERN STATES POWER, DKT. #574	
PX-3003 (Dep. Exh. 42)	Not Received - Foundation
PX-3012	Received (as to City only)
PX-3025	Received
PX-3026	Received
PX-3268 (Dep. Exh. 93)	Not Received - Hearsay
PX-3269 (Dep. Exh. 95)	Not received - Hearsay
PX-3270 (Dep. Exh. 96)	Not received - Hearsay
PX-3274 (Dep. Exh. 102)	Not received - Hearsay
PX-3276 (Dep. Exh. 104)	Received

PX-3282 (Dep. Exh. 115)	Received
PX-3297 (Dep. Exh. 164)	Received
PX-3303 (Dep. Exh. 212)	Received (as to City only)
PX-3304 (Dep. Exh. 236)	Not Received - Foundation
PX-3311 (Dep. Exh. 487)	Received
PX-3314 (Dep. Exh. 495)	Received
PX-3324 (Dep. Exh. 592)	Not received - Relevance
PX-3325 (Dep. Exh. 593)	Not received - Relevance
PX-3360 (Dep. Exh. 17)	Not received - Hearsay
PX-3396	Received as stipulated
PX-3571	Not received - Hearsay
PX-3584	Received
PX-3586	Received
PX-3587	Received
PX-3588	Received
PX-3689	Not received - Hearsay
PX-3869	Not Received - Hearsay
PX-4079	Received
PX-4084	Received
PX-4144	Received
PX-4145	Received
PX-4164	Received
DEP. EX. 163	Not received - Hearsay

ORDER

IT IS ORDERED that defendant Ashland County's unopposed motion to strike plaintiff's proposed finding of fact no. 266, dkt. #570, is GRANTED and all exhibits set out in dkts. ## 559, 574 and 575 that are not the subject of an objection are RECEIVED, as are all exhibits listed above as RECEIVED. The remaining exhibits are NOT RECEIVED.

Entered this 10th day of September, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge